

who is the vice chairman of the Alabama teachers union, the AEA, a member of the Democratic National Committee, who has chaired for 30 years the Alabama Democratic Conference, a powerful force in Alabama—there is nobody who has run for the Democratic nomination for President in these United States who does not know Dr. Joe Reed. He is the first person they would want to talk to as they consider how to be involved in winning a primary in Alabama. Dr. Reed supports him strongly.

Congressman ARTUR DAVIS, a Harvard Law graduate, former assistant U.S. attorney, African American, supports Bill Pryor.

The former Democratic Governor of Alabama has spoken highly of him. He has that kind of reputation. His reputation is that Bill Pryor does what is right; he follows the law, whether it is popular or not.

One of the issues that was important politically in the State—and each State has issues that arise given time—was separation of church and state. The issue became very contentious. Our Republican Governor, Bob James, had a very strong view about it. He played football and he said he didn't see anything wrong with a coach leading the kids in prayer. Frankly, I don't either. But the Supreme Court has ruled to the contrary.

Governor James had other very strong views. He had just appointed Bill Pryor to the attorney general office to be one of the youngest attorneys general in America. He had this idea about how these issues ought to be argued in court. But under the Alabama Constitution, the attorney general speaks for the State of Alabama in court. So they had a conversation or two, and Attorney General Pryor had to reluctantly tell the man who just appointed him, in a very hot political deal, that your position will not hold up according to the law; I cannot support that.

The Governor took a very strong position on the right of school officials to speak on religious issues, and reluctantly the attorney general had to file a brief on the subject. The attorney general filed a brief and said flat out that the Governor's position did not state the legal position of the State of Alabama. He argued the case according to the precedent of the Supreme Court. He also, in that confused time, wrote a legal opinion, which he sent to every school official in the State, setting forth what children could do in the free exercise of their religious beliefs and what schools could and could not do. In fact, those rules that he sent out were adopted almost in toto by the Clinton Department of Education as their directives to policy concerning the separation of church and state in schools. He followed the law, even though it was very tough for him to do so.

They have expressed real reservation about Mr. Pryor. They say he has strongly held views, that he is extreme

in his pro-life views, that he is very passionate, and that he would not follow the law, basically.

They have criticized him for his views on abortion. He didn't volunteer those views. But in the committee, one of the Senators looked right at him and asked him about that. He explained that he thought that taking an unborn life was immoral and that *Roe v. Wade* has led to the slaughter of millions of innocent unborn. You could have heard a pin drop. Nobody had really been asked that squarely. He answered it honestly. He said: But, Senator, I know the courts don't follow that view and it is not the law today, and I follow the law as it is written.

In fact, he had proof of it because, previously, when he was attorney general, Alabama passed a law to ban partial abortions. That law was a broad law. Under the Supreme Court rulings and other rulings, portions of that statute were not constitutional. Attorney General Pryor, as attorney general of Alabama, had to send a directive to all the district attorneys in Alabama directing them not to enforce portions of that law that violate the Constitution of the United States. So even though he thought, no doubt, partial-birth abortion was wrong—because he believes abortion is wrong, so he would certainly believe that horrible procedure would be wrong—he was a lawyer and he spoke up and he directed, as attorney general, every district attorney in the State to enforce that law, consistent with the Constitution. I think that demonstrates clearly his ability to understand and follow the law even if he does not agree with it.

The only other thing I know he has ever done with regard to abortion is to make clear that if there were a protest at an abortion clinic that violated the law and the right of people to attend that clinic, they would be prosecuted by him. He would enforce the constitutional right of people to go to clinics and have abortions under the laws of the United States.

Another issue we dealt with in the State was reapportionment. Most Republicans believed strongly that reapportionment had been very adverse to their ability to have a representative in the State legislature. As a whole, the State is a majority Republican State, with both Senators, the Governor, and five of the seven Congressmen being Republicans. But the legislature is about two-thirds Democrats.

A lawsuit was filed by the Republican groups to get the legislature reapportioned, hoping they would get a better shake in the numbers. It was a pretty legitimate suit. It had real merit to it. They wanted Bill Pryor to take the lead in it as attorney general. He was a Republican, after all. Some lawyers had known him for years and they had worked with him. Bill researched the law and said: You don't have standing, and this is not a legitimate lawsuit, and I cannot support it. They said:

What do you mean? They called me saying I have to get Bill to change his idea and help them win. But I told them then that Bill follows the law. If you have the law, do it; if you don't, he will not help you. So he resisted their actions. He defended the Democratic position. He defended, particularly, the African-American position. He actually lost the case in the court of appeals and appealed it to the Supreme Court of the United States and won it. He was right all along.

So I can give many examples of this brilliant lawyer who has stood firm for what he believes is right, who gives bipartisan, biracial support to the people in Alabama, a man who would flourish as a court of appeals judge, a man who loves America. He has sincere and great religious faith. He understands the rule of law and places all that in proper context. I am just proud of him. I am glad the committee has moved him forward. I hope we will see him confirmed as a Federal judge.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

#### TRIBUTE TO COLIN McMILLAN

Mr. BINGAMAN. Mr. President, I take a couple of minutes to speak about the tragic death of Colin McMillan, who was a very outstanding citizen of our State of New Mexico. He had distinguished himself as a businessman and also as a public servant in Roswell. In Santa Fe, he served in the State legislature, with a leadership position, and also here in Washington, where he served in the Department of Defense in the previous Bush administration. He was influential and effective in all of the positions he held. He was extremely well respected for his straight dealing and his integrity.

I met Colin first when I was in law practice in Santa Fe and he was in our State legislature. As I indicated, he had a very prominent position, a leadership position, in our State legislature back in the 1970s. Since then, our paths have crossed many times. Most recently, we spoke when he came to my office to discuss his nomination by President Bush to serve as the Secretary of the Navy.

This is a position I strongly supported him obtaining and I told him I was looking forward to him being back in Washington. I know he and his wife Kay were looking forward to returning to Washington. He spoke with great enthusiasm about his plans in that new position.

His death is a loss to us in New Mexico, and it is a loss to the country. We will be deprived of his leadership.

I know he was a very good friend of my colleague, Senator DOMENICI, for many years and a political ally in New Mexico for many years. His loss will be noted and regretted by all of us in New Mexico.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, last night I took a couple of minutes to tell the Senate that a good friend of mine, but also a great New Mexican, was dead, Colin McMillan. My friend and colleague, Senator BINGAMAN, just spoke of him.

It is remarkable that Senator BINGAMAN would speak of him with such glaring words when, as a matter of fact, they ran against each other in a statewide campaign.

The truth is, he was a truly outstanding man. His death is rather unexplainable. We still do not know enough about it, but we do know that he was too young to die and had succeeded at just about everything he tried in his life, starting out at the University of North Carolina where he was a Phi Beta Kappa in the college of engineering and became an enormously successful geological engineer. He was one of those who was first to grab on to the modern techniques of discerning what lies below the surface and, thus, became an expert and developed a successful company helping others locate oil and gas. He formed his own exploration company and became an oil and gas entrepreneur.

Along with that achievement, he had a western craving to own a ranch, and he had a beautiful ranch. I have been there many times. It is a great place to hunt quail. His ranch is renowned for quail. My son Peter and I and others in New Mexico have been there with him many times. It is rather ironic that he was found dead at the ranch yesterday some time during the day by the ranch hands.

When I spoke this morning with my oldest son, he used the word "brutal." I use it today. It is truly brutal for those of us who knew him. All we can say is he succeeded at almost everything he wanted to do in life. Clearly, there are few in New Mexico who will achieve as much as he. He was really looking forward to becoming Secretary of the Navy, taking great pride in being a Marine officer for 3 years after completing his baccalaureate degree in North Carolina.

I and my wife Nancy clearly have had a very tough personal loss in his death, and there is not much more I can say other than he will be missed. We will all find out someday, perhaps in the hereafter, how all this happened. In the meantime, all we can say is we will miss him terribly, and we wish for all of his family an understanding beyond normal capacity to apprehend, that there will come upon them some understanding as to why all of this happened.

He had been sick. He had a recurrence of cancer that inflicted him some 2 years ago. Everybody thought he was recovered and recuperating quite well. At least we thought so and his family thought so, when this tragedy occurred.

I thank the Senate for the time.

Mr. President, before we call on Senators, we are expecting closure of be-

tween 5 and 10 amendments, which we will present jointly this morning on this Energy bill. The biggest issue everyone has asked so much about is the electricity title. It is a very complex title. We have tried to put together a major bipartisan amendment. It is in the hands of all the Senators and, as a result, because it is so important, it is in the hands of hundreds of experts and lobbyists and companies across this country.

By Monday, everybody should know what they want to do with it, to it, or for it. It will be offered Monday with the hope that we will begin serious debate on that amendment.

CAFE standards has been one of those issues of importance. We have two of the major CAFE standards amendments pending. They were offered last night. We will work out a time for voting on them on Monday. We expected another CAFE standards amendment this morning, but it has not materialized. Let's hope it does so we can get them all lined up to dispose of them Monday evening.

There are about five other major issues that are being worked on, and we hope we can prove that the Senate is capable of completing this bill in five additional working days, besides last night and today, and the previous time we spent on the bill.

Everyone should remember, the majority leader said we are going to finish this bill. We are scheduled for our August recess next Friday, but we have been told those recess days will not commence until we have finished this bill. I hope everybody understands that is not said in any way other than in a positive way. There is plenty of time so long as Senators do not desire an inordinate amount of time on any subject. We probably have one or two climate change amendments. We probably have, as I indicated, an additional CAFE amendment and many amendments on the electricity section. Plus, I am sure the minority leader has some amendments with reference to mandating the percentage of wind energy and solar energy that must be utilized by the utility companies. That will be thoroughly debated and voted on. There may be a couple other major issues, but I think that covers most of them—and I covered them last night reminding everybody to get ready. We always have the idea around here that we will get ready when the time is necessary.

People put off things until that ominous time. On Energy amendments, the time has come. The electricity amendment is in our hands. It is major legislation. We are going to proceed with dispatch, at least as much dispatch as the Senate will let us, and we will try to push that as nicely and calmly but as rigorously as we can for the next 5 or 6 days in an effort to complete this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

# UNANIMOUS CONSENT REQUEST— S. RES. 200

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 200 regarding the adoption of a conference agreement on the child tax credit; that the resolution and the preamble be agreed to; and that the motion to reconsider be laid on the table.

Mr. DOMENICI. I object.

Mr. JOHNSON. Mr. President, I call on Congress to pass the Lincoln bill which will provide immediate tax relief for 12 million children and our Nation's fighting men and women.

Millions of working American families with incomes between \$10,000 and \$26,000 will receive absolutely no benefit from the increase in the child credit that was signed into law by the President several weeks ago. Close to 200,000 military personnel have incomes in this range, and most will not qualify for the \$1,000 child tax credit.

More than 300,000 military personnel are currently serving in combat zones around the world. In answering the call of duty, these young men and women were forced to leave their families behind as they headed to Iraq and Afghanistan to serve their country and to help create new democracies. Yet this Nation's laws have failed them. Under current law, the children of these families are truly left behind.

The Treasury Department will begin sending checks to taxpayers reflecting the increase in the child credit from \$600 to \$1,000 for 2003. Yet the Children's Defense Fund estimates that 1 million children in military families will not be eligible for the full child credit. This is roughly 1 out of every 8 children of military families.

For active duty military families, the numbers are even more staggering. Roughly 260,000 of the 1.4 million children of active duty military personnel, or nearly 1 of every 5, will not receive the \$1,000 child credit.

Military personnel serving in combat zones in Iraq and Afghanistan would be particularly hard hit. Under current law, a family must make \$10,500 to qualify for any portion of the child credit. Because combat zone pay does not count toward the income required, many military personnel who left their families behind to fight America's wars will themselves be left behind by this Congress.

Congress has failed its fighting men and women. It does not matter how many speeches we give thanking them for their service, and lionizing their courage, and acclaiming their patriotism.

The single mother whose husband has been deployed to the Middle East for the 50th week running cares a lot more about getting her \$400 check than she does about hearing how much we appreciate her sacrifice.

Frankly, it is shameful that a body willing to send our young men and women to war would at the same time turn a blind eye and a deaf ear to their families.